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OFFICE OF PETITIONS

In re Application of
John McCune Anderson et al.
Application No. 09/980,971
Filed: April 12, 2002
Attorney Docket No. U0139-7001

ON PETITION

This is a decision on the petition filed November 22, 2004, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on July 22, 2004 for failure to file a timely response to the non-Final Office Action mailed April 21, 2004 which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed October 29, 2004.

Petitioner asserts that a proper response, was filed on October 21, 2004 with a three month extension of time request. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail pursuant to 37 CFR 1.8, a copy of the extension of time request, and a copy of the postcard receipt, date stamped October 25, 2004 by the USPTO. A review of the file also reveals that the fee for the extension of time, in the amount of \$490.00 was posted to the finance records for this application on October 25, 2004.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3762 for appropriate action on the amendment filed October 21, 2004, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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Office of Petitions